

REMARKS

Claims 1 - 22 are pending in the present application. Reconsideration of the application is respectfully requested.

In item 2 of the Office Action, claim 16 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants are amending claim 16 so that it is directed to a data storage media that includes program data for controlling a first computer entity to perform a method. Applicants respectfully submit that a data storage media that includes program data for controlling a first computer entity is an article of manufacture, and that therefore, claim 16 fulfills the requirements of 35 U.S.C. 101. Accordingly, Applicants are requesting a withdrawal of the section 101 rejection of claim 16.

In item 4 of the Office Action, claims 1 – 17 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention of co-pending Application No. 10/818,511. Whereas this rejection is a provisional rejection, Applicants are not presently addressing this rejection.

In item 6 of the Office Action, claims 1 – 3, 5 – 7 and 10 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,127,613 to Pabla et al. (hereinafter “the Pabla et al. patent”). This set of rejected claims includes five independent claims, namely claims 1, 5, 11, 16 and 17. Applicants are clarifying aspects of claims 1, 5, 11, 16 and 17 that are not disclosed by the Pabla et al. patent.

Claim 1 provides for a method performed by a first computer entity. The method includes, *inter alia*, (a) operating a peer to peer protocol for enabling the first computer entity to utilise a resource of a second computer entity, and for enabling the second computer entity to utilise a resource of the first computer entity, and (b) operating a process, in cooperation with a third computer entity, for managing the second computer entity.

The Pabla et al. patent does not appear to disclose a method that includes a first computer entity operating a process, **in cooperation with a third computer entity**, for managing a second computer

entity, as recited in claim 1. Accordingly, Applicants submit that the Pabla et al. patent does not anticipate claim 1.

Claims 2 and 3 depend from claim 1. By virtue of this dependence, claims 2 and 3 are also novel over the Pabla et al. patent.

Claim 5 provides for a method performed by a first computer entity of a peer to peer network. The method includes, *inter alia*, (a) determining a local policy for management of a second computer entity, (b) receiving, from a third computer entity, a message describing a policy determined by the third computer entity for management of the second computer entity, and (c) determining from the policy determined by the third computer entity, and from the local policy, a network management policy to be applied by the first computer entity to the second computer entity.

The Pabla et al. patent does not appear to disclose a method that includes a first computer entity determining **from a policy determined by a third computer entity, and from a local policy**, a network management policy to be applied to a second computer entity by the first computer entity, as recited in claim 5. Accordingly, Applicants submit that the Pabla et al. patent does not anticipate claim 5.

Claims 6 and 7 depend from claim 5. By virtue of this dependence, claims 6 and 7 are also novel over the Pabla et al. patent.

Claim 10 also depends from claim 5, and further recites, *inter alia*, that determining the network management policy comprises applying a voting protocol in which the first and third computer entities vote. The Pabla et al. patent mentions a vote (e.g., col. 18, line 28, and col. 24, line 22), however, Applicants believe that in the Pabla et al. patent, the vote is being cast by users of a computer, i.e., humans, and therefore, that the Pabla et al. patent does not disclose applying a voting protocol in which the first and third **computer entities vote**, as recited in claim 10. Accordingly, Applicants submit that claim 10, by virtue of its dependence on claim 5, and also on its own merits, is novel over the Pabla et al. patent.

Claim 11 provides for a first computer entity that includes, *inter alia*, a network management component for enabling the first computer entity to participate in management of a second computer entity in a peer to peer network, in cooperation with a third computer entity in the peer to peer network.

The Pabla et al. patent does not appear to disclose a network management component for enabling the first computer entity to participate in management of a second computer entity in a peer to peer network, **in cooperation with a third computer entity** in the peer to peer network, as recited in claim 11. Accordingly, Applicants submit that the Pabla et al. patent does not anticipate claim 11.

Claims 12 – 15 depend from claim 11. By virtue of this dependence, claims 12 – 15 are also novel over the Pabla et al. patent.

Claim 16 provides for a data storage media that includes program data for controlling a first computer entity to perform a method. The method, in turn, includes, *inter alia*, (a) operating a peer to peer protocol for enabling the first computer entity to utilise a resource of a second computer entity, and for enabling the second computer entity to utilise a resource of the first computer entity, and (b) operating a process, in cooperation with a third computer entity, for managing the second computer entity.

The Pabla et al. patent does not appear to disclose a method that includes a first computer operating a process, **in cooperation with a third computer entity**, for managing the second computer entity, as recited in claim 16. Accordingly, Applicants submit that the Pabla et al. patent does not anticipate claim 16.

Claim 17 provides for a method performed by a first computer entity. The method includes, *inter alia*, managing a second computer entity, in cooperation with a third computer entity.

The Pabla et al. patent does not appear to disclose a method that includes a first computer entity managing a second computer entity, **in cooperation with a third computer entity**, as recited in claim 17. Accordingly, Applicants submit that the Pabla et al. patent does not anticipate claim 17.

Applicants respectfully request reconsideration and withdrawal of the section 102(e) rejection of claims 1 – 3, 5 – 7 and 10 – 17.

In item 9 of the Office Action, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Pabla et al. patent in view of U.S. Patent No. 7,137,145 to Gleichauf (hereinafter “the Gleichauf patent”). Claim 9 depends from claim 5. Above, Applicants explained that the Pabla et al. patent does not anticipate claim 9. Applicants submit that the Gleichauf patent does not make up for the deficiency of the Pabla et al. patent, with respect to claim 5. Accordingly, Applicants further submit that claim 5, and claim 9 by virtue of its dependence on claim 5, are both patentable over the cited combination of the Pabla et al. and Gleichauf patents. Reconsideration and withdrawal of the section 103(a) rejection of claim 9 are respectfully solicited.

In item 10 of the Office Action, claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Pabla et al. and Gleichauf patents, further in view of a document by Golle (hereinafter “the Golle document”). Claim 4 depends from claim 1, and claim 8 depends from claim 5. Applicants respectfully submit that the cited combination of the Pabla et al. patent, the Gleichauf patent, and the Golle document does not disclose or suggest either of (a) a method that includes a first computer entity operating a process, in cooperation with a third computer entity, for managing a second computer entity, as recited in claim 1, or (b) a method that includes a first computer entity determining from a policy determined by a third computer entity, and from a local policy, a network management policy to be applied to a second computer entity by the first computer entity, as recited in claim 5. Accordingly, Applicants submit that claims 1 and 5, and claims 4 and 8, by virtue of their respective dependencies, are all patentable over the cited combination of the Pabla et al. patent, the Gleichauf patent, and the Golle document. Reconsideration and withdrawal of the section 103(a) rejection of claims 4 and 8 are respectfully requested.

As mentioned above, Applicants are amending claim 16 to address a section 101 rejection, and clarifying aspects of claims 1, 5, 11, 16 and 17 that are not disclosed by the Pabla et al. patent. Applicants are also amending all of the claims for one or more of (a) correcting an indefinite recital, (b) ensuring an antecedent basis for terms, (c) improving form, (d) improving grammar, or (e) deleting recitals that do not appear to be necessary for patentability.

Applicants are adding claims 18 - 22 to even further provide the claim coverage that Applicants appear to deserve based on the prior art that was cited by the Examiner. Claims 18 - 22 are each directed toward a feature regarding a consideration of whether a second computer entity allows a first computer entity to utilise a resource of the second computer entity. This feature is described, for example, in the specification at page 6, line 9 - page 14, line 32, with reference to FIGS. 6 and 7. A favorable consideration that also results in the allowance of claims 18 - 22 is earnestly solicited.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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